

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24061 of 2019

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Abdul Manan Son of Nasir Ali Resident of Mohalla- Rahmatganj, P.S.-
Masaurhi District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Executive Officer, Bihar State Sunni Waqf Board, Haj Bhawan Patna.
2. The Chairman Sunni Waqf Board, Patna.
3. The Auditor cum Inspector Bihar State Sunny Waqf Board, Patna.
4. The President Waqf of Estate No. 774/469 Jama Masjid, Rhmatganj.
5. The Secretary Waqf of Estate No. 774/469 Masaurhi, Dist.- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
For the Respondent/s : Mr. Md. Helal Ahmad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-01-2023

Petitioner has prayed for the following relief(s):-

“1. That this writ application is being filed for a direction to the respondent concern to restore the shop allotted by the respondent no. 2 of the place of Waqf Estate no. 774/469 Rahmatganj Masaurhi which was locked by the respondent no. 2 without any notice/objection to the petitioner consequently the petitioner is facing hardship and a huge lose was occurred due to



illegal action of the respondent concern. And/Or
pass. such any order/orders writs/ writ,
directions/direction for which the petitioner is
found to be entitled circumstances of this case.”

After the matter was heard for some time,
learned counsel for the petitioner finding the court not to be in
favour of the submissions made across the bar, seeks permission
to withdraw the present petition reserving liberty to approach
Respondent No. 5, namely, The Secretary Waqf of Estate No.
774/469 Masaurhi, Dist.- Patna for venting out the grievances of
the present *lis*.

Learned counsel for the respondents states that if
petitioner approaches and files representation, the authority
concerned shall consider and dispose it of expeditiously and
preferably within a period of three months from the date of its
filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following
terms:-

(a) Petitioner shall approach the authority concerned
i.e. Respondent No. 5, namely, The Secretary Waqf of Estate
No. 774/469 Masaurhi, Dist.- Patna by filing a representation



for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

(h) We expect that the appropriate authority shall



consider and decide the petitioner’s application/request expeditiously and preferably within a period of three months from the date of its presentation.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

